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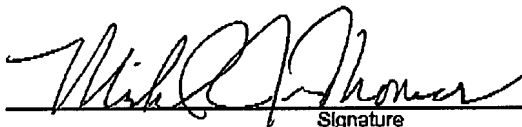
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>On <u>November 7, 2007</u></p> <p>Signature _____</p> <p>Typed or printed name <u>Michael J. Thomas</u></p>		Application Number 10/806,560	Filed 03/23/2004
		First Named Inventor Weirong Wang et al.	
		Art Unit 2834	Examiner Mullins, Burton S.
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>39,857</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>			
 Signature		Michael J. Thomas Typed or printed name	
		(314) 726-7500 Telephone number	
		November 7, 2007 Date	
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/806,560
Filing Date: 03/23/2004
Applicant: Weirong Wang et al.
Group Art Unit: 2834
Confirmation No.: 2572
Examiner: Mullins, Burton S.
Title: END CAP FOR SEGMENTED STATOR
Attorney Docket: 5260-000201/US

REASONS FOR REQUESTED PRE-APPEAL BRIEF REVIEW

Applicant requests a pre-appeal brief review of the final rejection in the above-identified application for the reasons identified below.

Claims 24, 26-27, 29, 34, 44, 46, 48-49 and 59 stand rejected under 35 U.S.C. § 102(b) as being anticipated by both Suzuki et al. (U.S. Pat. No. 6,177,751) and Sato (JP 2001-008395).

All of the rejected independent claims relate to an end cap for a stator segment of an electromagnetic machine, where the end cap includes first and second snap couplings configured to snap couple to ends on adjacent end caps to substantially interlock and hold the adjacent segments together.

Specifically, independent claim 24 recites an end cap for a stator segment of an electromagnetic machine. The end cap includes, among other things, a body portion

“having first and second ends and first and second snap couplings on the first and second ends, respectively, the first and second snap couplings configured to snap couple to ends on adjacent end caps to substantially interlock and hold the adjacent segments together.” Emphasis added.

Similarly, independent claim 59 recites an end cap “configured for positioning on one of the adjacent segments and having first and second ends configured for snap coupling to ends on adjacent end caps to substantially interlock and hold the adjacent segments together, *said first end including a deformable male member and said second end including a female member, the deformable male member configured for snap fitting with the female member of one of the adjacent end caps.*” Emphasis added.

Independent claim 34 recites an electromagnetic machine comprising, among other things, a plurality of end caps with each end cap having “means for snap coupling the first and second ends of the adjacent end caps to substantially interlock and hold the adjacent segments together.” Emphasis added.

Independent claim 44 recites a method of assembling a stator for an electromagnetic machine, the stator having a plurality of segments and a plurality of end caps, the method comprising:

- a) positioning an end cap on each of the segments, each end cap having a body portion for engaging a yoke portion of one of the segments, *each body portion having opposite ends and snap couplings on the opposite ends;*
- b) positioning ends of the segments adjacent one another; and
- c) substantially interlocking and holding the ends of the adjacent segments together by snap coupling said ends of the adjacent end caps together. Emphasis added.

In the advisory action dated October 31, 2007, the Examiner contends "[t]he term 'snap coupling' and 'snap couple' in the independent claims refer to a functional feature, i.e. 'to substantially interlock and hold the adjacent segments together.'" This is plainly incorrect. Each rejected independent claim explicitly recites one or more end caps having "snap couplings," "first and second ends configured for snap coupling," or "means for snap coupling." These are clearly *structural* (not functional) limitations that the Examiner cannot simply ignore. Even assuming, *arguendo*, that the phrase "to substantially interlock and hold the adjacent segments together" is a non-limiting recitation of the how the claimed apparatus may be employed, the recitations of "snap couplings," "first and second ends configured for snap coupling," and "means for snap coupling" are *structural* limitations that the prior art must disclose to sustain the §102 rejections.

Contrary to the Examiner's assertions, Suzuki and Sato both fail to disclose or even remotely suggest end caps having snap couplings for snap coupling ends of adjacent end caps together.

In particular, the Examiner contends the dovetail connection shown in Fig. 9 of Suzuki constitutes a "snap coupling." According to the Examiner, "[s]ince the bobbin segments are made of resin (c.3:36), the male and female members form a "snap" connection because resin is inherently pliable, thus allowing the male and female members to contract and expand, respectively, when connected together." See pages 2-3 of the final Office action. Suzuki, however, nowhere teaches or suggests such a method of assembly. Although the Examiner may consider all of the inferences which one skilled in the art would reasonably be expected to draw from a reference, a person of

ordinary skill in the art would immediately recognize that a dovetail joint is assembled by aligning the male member (known in the art as a tenon) above the female member (known as a mortise) and then sliding the male member into the female member in the axial direction, and not by forcing the male and female members together in the manner suggested by the Examiner. Furthermore, the Examiner offers no support for such an extreme interpretation of a dovetail joint. The Examiner has not cited a single reference that teaches assembling a dovetail joint in the manner suggested. Applicant asserts that such a method of assembly is not possible despite the alleged pliability of resin. Further, no support has been provided for the assertion that the resin used in Suzuki's bobbins is capable of any deflection or, more specifically, of the extreme magnitude of deflection suggested by the Examiner. For these reasons, Applicant respectfully submits that Suzuki does not disclose an end cap having a snap coupling.

Similarly, the Examiner contends that Sato's trapezoidal male projection 9 and the matching female depression 10 constitute a snap coupling because these features are formed from a resin material. However, Sato lacks any suggestion whatsoever that the projections and depressions 10/9 deform or snap couple to one another when joined. Moreover, in the Advisory Action, the Examiner indicated that "applicant provides no convincing explanation as to why it is not possible for Sato's trapezoidal male projection 9 and matching female depression 10 to form a snap couple." However, the test for anticipation is not whether it would be possible to use Sato's male and female projections as snap couplings. On the contrary, the relevant inquiry is whether Sato discloses or suggests end caps having snap couplings as recited by the rejected claims. Because it clearly does not, the §102 rejection based on Sato is improper and should be withdrawn.

For all these reasons, Applicant respectfully submits the Examiner has failed to establish a prima facie case of anticipation with respect to the rejected claims.

Respectfully submitted,

Dated: November 7, 2007

By: 

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